

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. .... 10/760,944  
Confirmation No. .... 1275  
Filing Date ..... January 20, 2004  
Applicant..... Wright, et al.  
Group Art Unit.....2617  
Examiner .....Gary Au  
Attorney's Docket No. .... BEI-0055US  
Title: Wireless Device With Integrated Emergency Alert Notification

**DECLARATION OF DANIEL R. MILLER**  
**UNDER 37 C.F.R. § 1.131**

As a below named patent attorney, I hereby declare to the best of my knowledge that:

1. I was the initial patent attorney who represented BellSouth (now AT&T) in the above-captioned application. Mr. Darrick Wright and Mr. Paul Brent Rivers are the named inventors of the subject matter claimed in this application. At the time of the events described herein I was an employee at Kirkpatrick & Lockhart LLP (now Kirkpatrick & Lockhart Preston Gates Ellis LLP).
2. When I received the invention disclosure I had a reasonable backlog of unrelated cases. Redacted copies of my time entry reports for September 1, 2003 through January 30, 2004 are attached as Exhibit A.
3. On September 25, 2003, Mr. Wright sent me an email to set a time for a conference call to discuss the invention. A redacted copy of the September 25, 2003 email is attached as Exhibit B.
4. On September 29, 2003, I took part in that call with Mr. Wright, in which additional details of the invention were verbally conveyed to me.

5. On October 1, 2003, I received faxed information relating to the application from Mr. Rivers. A redacted copy of the fax cover sheet from that fax transmission is attached as Exhibit C.
6. Between October 1, 2003, and November 30, 2003, I worked diligently to prepare a draft of the subject patent application. During this time I had a reasonable backlog of unrelated cases which I took up in order of priority and carried out expeditiously.
7. On December 1, 2003, I sent an email to both Mr. Wright and Mr. Rivers attaching a first draft of the subject application. My email set a three-week period for the inventors to review and comment on the draft application.
8. I received approval on the draft from both inventors on December 3, 2003. Redacted copies of the email chains sending the draft application to Mr. Wright and Mr. Rivers and their approvals, are attached as Exhibits D and E, respectively.
9. Between December 3, 2003, and December 31, 2003, I worked diligently to revise the application. During this time I had a reasonable backlog of unrelated cases which I took up in order of priority and carried out expeditiously.
10. On December 31, 2003, I requested residence and citizenship information from Mr. Wright, as evidenced by the redacted email chain attached as Exhibit F.
11. Between December 31, 2003, and January 13, 2004, I worked diligently to finalize the application and prepare declaration and assignment documents for the application. During this time I also had a reasonable backlog of unrelated cases which I took up in order of priority and carried out expeditiously.
12. On January 13, 2004, I sent to Mr. Wright and Mr. Rivers a final draft of the application, along with declaration and assignment documents for their execution via

Federal Express. A redacted copy of the letter forwarding the final draft is attached as Exhibit G.

13. I received the declaration and assignment documents executed January 14, 2004. Between January 15, 2004, and January 19, 2004, I worked diligently to file the application and I had a reasonable backlog of unrelated cases, which I took up in order of priority and carried out expeditiously. On January 20, 2004, the application was filed, as evidenced by the transmittal document and receipt from the USPTO, a copy of which is attached as Exhibit H.

The dates related to conception and other proprietary information included in the exhibits have been redacted, as permitted by MPEP § 715.07(II).

All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true. Further, these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application or any patent issued therefrom.

Full name of Declarant: Daniel R. Miller

Declarant's Signature: Daniel R. Miller Date: Aug. 3, 2007

City and State of Residence: PITTSBURGH, PA

Post Office Address: c/o Kirkpatrick & Lockhart Preston Gates Ellis LLP, 535 Smithfield St,  
Pittsburgh, PA 15222

Citizenship: United States of America

**DECLARATION OF DANIEL R. MILLER**  
**UNDER 37 C.F.R. § 1.131**

**Exhibit A**

Redacted copy of Miller time sheets from September 1, 2003 through  
January 31, 2004

# Time Entry Report

Name Miller, D. R.

Number 00689

Report Date 8/1/2007

Report Period 9/1/2003 to 1/31/2004

Date Worked	Name : Desc	Matrizer Number	Index	Worked Hours	Task	Act	Tax	Stat	Batch
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Non Billable Total				[REDACTED]					
Daily Total				[REDACTED]					
Date : 9/19/2003									
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	Prepare Patent Application	[REDACTED]							
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	Receive assignment from [REDACTED] (Certificate of Correction)	[REDACTED]							
Billable Total				[REDACTED]					
Non Billable Total				[REDACTED]					
Daily Total				[REDACTED]					
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Billable Total				[REDACTED]					
Non Billable Total				[REDACTED]					
Daily Total				[REDACTED]					
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9/23/2003	[REDACTED]	[REDACTED]					N	NB	20099

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[REDACTED]  
9/23/2003 [REDACTED] Y B 20099

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9/23/2003 [REDACTED] N NB 20099

Billable Total

Non Billable Total

Daily Total

Date : 9/24/2003

9/24/2003 [REDACTED] Y B 20099

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9/24/2003 [REDACTED] N NB 20099

9/24/2003 [REDACTED] Y B 20099

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9/24/2003 [REDACTED] N NB 20099

Billable Total

Non Billable Total

Daily Total

Date : 9/25/2003

9/25/2003 [REDACTED] N NB 20099

9/25/2003 [REDACTED] Y B 20099

Set up meeting with inventor  
9/25/2003 [REDACTED] Y B 20099

Prepare Office Action

Billable Total

Non Billable Total

Daily Total

Date : 9/26/2003

9/26/2003 [REDACTED] N NB 20099

9/26/2003

Y B 20099

Prepare Office Action

Billable Total

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Daily Total

Date : 9/29/2003

9/29/2003

N NB 20262

9/29/2003

Y B 20262

Prepare Office Action

9/29/2003

N NB 20262

9/29/2003

Y B 20262

Prepare patent application

Billable Total

Non Billable Total

Daily Total

Date : 9/30/2003

9/30/2003

N NB 20262

9/30/2003

Y B 20262

Prepare Office Action

9/30/2003

Y B 20262

Prepare patent application

9/30/2003

N NB 20262

Billable Total

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Daily Total

Date : 10/1/2003

10/1/2003

N NB 20348

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10/1/2003 [REDACTED] Y B 20348

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10/1/2003 [REDACTED] N NB 20348

10/1/2003 [REDACTED] Y B 20348

Billable Total

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Date : 10/2/2003

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10/2/2003 [REDACTED] Y B 20348

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10/2/2003 [REDACTED] Y B 20348

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10/2/2003 [REDACTED] Y B 20348

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Billable Total

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10/3/2003 [REDACTED] Y B 20348

Research for [REDACTED] (written description issue)

10/3/2003 [REDACTED] Y B 20348

Compose client letter to [REDACTED] to inform of office action response



10/3/2003

N NB 20348

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Y B 20348

Prepare Certificate of Correction

10/3/2003

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Prepare Certificate of Correction

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Y B 20348

Prepare patent application

Billable Total

Non Billable Total

Daily Total

Date : 10/6/2003

10/6/2003

Y B 20534

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10/6/2003

Y B 20534

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10/6/2003

Y B 20534

Prepare Certificate of Correction

10/6/2003

Y B 20534

Prepare Supplemental Information and Disclosure Statement

10/6/2003

Y B 20534

Prepare patent application

10/6/2003

Y B 20534

Analyze documents from plaintiffs' firms for due diligence project

10/6/2003

N NB 20534

Billable Total

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**Daily Total****Date : 10/7/2003**

10/7/2003

N NB 20534

10/7/2003

Y B 20534

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10/7/2003

Y B 20534

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N NB 20534

10/7/2003

Y B 20534

Review file to determine if Information and Disclosure Statement required [REDACTED]

10/7/2003

Y B 20534

Review file to determine if Information and Disclosure Statement required [REDACTED]

10/7/2003

Y B 20534

Review file to determine if Information and Disclosure Statement required [REDACTED]

10/7/2003

Y B 20534

Review file to determine if Information and Disclosure Statement required [REDACTED]

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10/9/2003

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20534

10/9/2003

N NB

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Billable Total

Non Billable Total

Daily Total

Date : 10/10/2003

10/10/2003

N NB

20534

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20534

Billable Total

Non Billable Total

Daily Total

Date : 10/13/2003

10/13/2003

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20760

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20760

Prepare Supplemental Information and Disclosure Statement; file same

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20760

Prepare Supplemental Information and Disclosure Statement; file same

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Y B

20760

Revise Certificate of Correction

10/13/2003

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Revise Certificate of Correction

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Revise Certificate of Correction

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Prepare Patent Application

10/16/2003

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Date : 10/17/2003

10/17/2003

N NB 20760

10/17/2003

Y B 20760

Review client letters - Request for Certificate of Correction filings

10/17/2003

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Prepare Patent Application

10/17/2003

N NB 20950

Billable Total

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Date : 10/20/2003

10/20/2003

N NB 20957

10/20/2003

N NB 20957

10/20/2003

Y B 20957

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10/20/2003 [REDACTED] [REDACTED] Y B 20957

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10/20/2003 [REDACTED] [REDACTED] Y B 20957

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10/21/2003 [REDACTED] [REDACTED] Y B 20957

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10/23/2003 Y B 20957

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10/23/2003 Y B 20957

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Daily Total

Date : 10/24/2003

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Date : 10/27/2003

10/27/2003 N NB 21182

10/27/2003 Y B 21182

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Date : 10/28/2003

10/28/2003 N NB 21182

10/28/2003 Y B 21182

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10/28/2003 Y B 21182

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10/28/2003 Y B 21182

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10/30/2003 [REDACTED] [REDACTED] Y B 21182



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10/30/2003 [REDACTED] Y B 21182

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10/30/2003 [REDACTED] Y B 21182

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10/31/2003 [REDACTED] Y B 21182

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11/4/2003

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Date : 11/5/2003

11/5/2003

N NB 21327

11/5/2003

Y B 21327

Prepare office action response

11/5/2003

Y B 21327

Prepare instructions for foreign associate for responding to office action

Billable Total

Non Billable Total

Daily Total

Date : 11/6/2003

11/6/2003

N NB 21327

11/6/2003

Y B 21327

Review/edit client letters regarding receipt of certificate of correction

11/6/2003

Y B 21327

Review/edit client letters regarding receipt of certificate of correction

11/6/2003

Y B 21327

Review/edit client letter regarding filing office action

11/6/2003

Y B 21327

Prepare office action

Billable Total

Non Billable Total

Daily Total

Date : 11/7/2003

11/7/2003

N NB 21327

11/7/2003

Y B 21327

Prepare office action response

11/7/2003

Y B 21327

Review client letter regarding information disclosure statement filing; prepare reference

11/7/2003

Y B 21327

Prepare office action response

11/7/2003

Y B 21327

Prepare patent application

Billable Total

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Daily Total

Date : 11/10/2003

11/10/2003

Y B 21522

Prepare patent application

11/10/2003

Y B 21522

Prepare Office Action response

Billable Total

Non Billable Total

Daily Total

Date : 11/11/2003

11/11/2003

N NB 21522

11/11/2003

Y B 21522

Prepare Office Action

11/11/2003

Y B 21522

Prepare client letter regarding draft response for Office Action

Billable Total

Non Billable Total

Daily Total

Date : 11/12/2003

11/12/2003

Y B 21522

Prepare Office Action

11/12/2003

Y B 21522

Prepare listing of references to be cited in Canadian patent application

11/12/2003

Y B 21522

Prepare Information Disclosure Statement

11/12/2003

Y B 21522

Prepare Office Action response

11/12/2003

N NB 21522

Prepare Office Action response

11/12/2003

Y B 21522

Prepare Office Action response

Billable Total

Non Billable Total

Daily Total

Date : 11/13/2003

11/13/2003

Y B 21522

Prepare Office Action response

11/13/2003

Y B 21522

Compose email to [redacted] to obtain copy of patent references for Canadian application

11/13/2003

N NB 21522

Prepare Office Action response

Billable Total

Non Billable Total

Daily Total

Date : 11/14/2003

11/14/2003

N NB 21522

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11/14/2003

Y B 21522

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Date : 11/17/2003				
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Daily Total				
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11/18/2003

Y B 21752

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11/18/2003

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Prepare Information Disclosure Statement cross-references for [REDACTED]

Billable Total

Non Billable Total

Daily Total

Date : 11/19/2003

11/19/2003

N NB 21752

[REDACTED]

11/19/2003

Y B 21752

Prepare office action response (revisions per [REDACTED])

11/19/2003

Y B 21752

Review comments of [REDACTED] regarding office action response

11/19/2003

Y B 21752

Prepare patent application

11/19/2003

Y B 21752

Prepare for Examiner's interview; teleconference with Examiner regarding office action response; prepare transcript of interview

Billable Total

Non Billable Total

Daily Total

Date : 11/20/2003

11/20/2003

N NB 21752

[REDACTED]

11/20/2003

Y B 21752

Revise claims per November 19 teleconference with Examiner

[REDACTED]

11/20/2003

Y B

21752

Prepare patent application

11/20/2003

N NB

21752

11/20/2003

Y B

21752

Meet with [REDACTED] regarding office action revisions

Billable Total

Non Billable Total

Daily Total

Date : 11/21/2003

11/21/2003

Y B

21752

Prepare office action response (amend claims/arguments) per November 19 teleconference with Examiner [REDACTED] prepare client letter regarding draft of office action response [REDACTED]

11/21/2003

Y B

21752

Prepare letter to foreign associate regarding filing copies of patent references

11/21/2003

N NB

21752

Billable Total

Non Billable Total

Daily Total

Date : 11/24/2003

11/24/2003

N NB

21913

11/24/2003

Y B

21913

Prepare patent application

11/24/2003

Y B

21913

Prepare correspondence for foreign associate regarding United States patent references

Billable Total

Non Billable Total

Daily Total

Date : 11/25/2003

11/25/2003

N NB

21913

11/25/2003

Y B 21913

Prepare patent application

Billable Total

Non Billable Total

Daily Total

Date : 11/26/2003

11/26/2003

N NB 21913

11/26/2003

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Prepare Information Disclosure Statement for patent application

11/26/2003

Y B 21913

Prepare Information Disclosure Statement for patent application

11/26/2003

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Prepare Information Disclosure Statement for patent application

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Prepare patent application

11/26/2003

Y B 21913

Verify received certification of correction; prepare client letter for same

11/26/2003

Y B 21913



Verify received certification of correction; prepare client letter for same

11/26/2003

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Verify received certification of correction; prepare client letter for same

Billable Total

Non Billable Total

Daily Total

Date : 11/27/2003

11/27/2003

N NB 21913

Verify received certification of correction; prepare client letter for same

Billable Total

Non Billable Total

Daily Total

Date : 11/28/2003

11/28/2003

Y NB 21913

Verify received certification of correction; prepare client letter for same

Billable Total

Non Billable Total

Daily Total

Date : 12/1/2003

12/1/2003

N NB 22130

Verify received certification of correction; prepare client letter for same

Billable Total

Non Billable Total

Daily Total

Date : 12/1/2003

12/1/2003

Y B 22130

Prepare patent application; prepare client letter regarding draft of same

Billable Total

Non Billable Total

Daily Total

Date : 12/2/2003

12/2/2003

N NB 22130

Verify received certification of correction; prepare client letter for same

Billable Total

Non Billable Total

Daily Total

Date : 12/2/2003

12/2/2003

N NB 22130

Verify received certification of correction; prepare client letter for same

Billable Total

Non Billable Total

Daily Total

Date : 12/2/2003

12/2/2003

Y B 22130

Prepare Certificate of Correction

Billable Total

Non Billable Total

Daily Total

Date : 12/2/2003

12/2/2003

Y B 22130

Call Examiner to set up telephone conference regarding first Office Action; prepare Office Action Response

Billable Total

Non Billable Total

Daily Total

Date : 12/2/2003

12/2/2003

Y B 22130

Prepare Information Disclosure Statement

Billable Total

Non Billable Total

Daily Total

Date : 12/3/2003

12/3/2003

N NB 22130

12/3/2003

Y B 22130

Prepare Information Disclosure Statement

12/3/2003

Y B 22130

Meet with [REDACTED] regarding music service subscriptions research

12/3/2003

N NB 22130

12/3/2003

Y B 22130

Prepare Office Action Response

Billable Total

Non Billable Total

Daily Total

Date : 12/4/2003

12/4/2003

N NB 22130

12/4/2003

Y B 22130

Prepare Office Action Response; telephone conference with Examiners regarding Office Action; discuss amendments with [REDACTED]

12/4/2003

Y B 22130

Prepare Information Disclosure Statement

Billable Total

Non Billable Total

Daily Total

Date : 12/5/2003

12/5/2003

N NB 22130

12/5/2003

Y B 22130

Research regarding music subscription service

12/5/2003	[REDACTED]	Y	B	22130
Prepare Information Disclosure Statement				
12/5/2003	[REDACTED]	Y	B	22130
Prepare Office Action Response				
Billable Total		[REDACTED]		
Non Billable Total		[REDACTED]		
Daily Total		[REDACTED]		
Date : 12/8/2003				
12/8/2003	[REDACTED]	N	NB	22315
[REDACTED]				
12/8/2003	[REDACTED]	Y	B	22315
Prepare Office Action Response				
12/8/2003	[REDACTED]	Y	B	22315
Prepare Information Disclosure Statement				
12/8/2003	[REDACTED]	Y	B	22315
Research patent issues regarding music subscription service				
Billable Total		[REDACTED]		
Non Billable Total		[REDACTED]		
Daily Total		[REDACTED]		
Date : 12/9/2003				
12/9/2003	[REDACTED]	N	NB	22315
[REDACTED]				
12/9/2003	[REDACTED]	Y	B	22315
Research patent issues regarding music subscription service; meet with [REDACTED] regarding same				
12/9/2003	[REDACTED]	Y	B	22315
Prepare Office Action for [REDACTED]				
Billable Total		[REDACTED]		
Non Billable Total		[REDACTED]		
Daily Total		[REDACTED]		
Date : 12/10/2003				
12/10/2003	[REDACTED]	N	NB	22315
[REDACTED]				
12/10/2003	[REDACTED]	N	NB	22315

12/10/2003 [REDACTED] Y B 22315

Prepare/verify client email for [REDACTED]

12/10/2003 [REDACTED] Y B 22315

Meet with [REDACTED] regarding missing parts for patent application

12/10/2003 [REDACTED] Y B 22315

Prepare Office Action for [REDACTED]

12/10/2003 [REDACTED] Y B 22315

Meet with [REDACTED] regarding missing parts for patent application

Billable Total [REDACTED]

Non Billable Total [REDACTED]

Daily Total [REDACTED]

Date : 12/11/2003

12/11/2003 [REDACTED] N NB 22315

12/11/2003 [REDACTED] Y B 22315

Research patent issues regarding music download service [REDACTED] meet with [REDACTED] regarding same [REDACTED] attend client telephone conference with [REDACTED]

Billable Total [REDACTED]

Non Billable Total [REDACTED]

Daily Total [REDACTED]

Date : 12/12/2003

12/12/2003 [REDACTED] N NB 22315

12/12/2003 [REDACTED] Y B 22315

Research patent issues regarding music download service

12/12/2003 [REDACTED] Y B 22315

Meet with [REDACTED] research regarding attorney/client privilege in patent cases

12/12/2003 [REDACTED] N NB 22315

Billable Total [REDACTED]

Non Billable Total [REDACTED]

Daily Total [REDACTED]

Date : 12/15/2003

12/15/2003 [REDACTED] N NB 22510

12/15/2003	[REDACTED]	Y	B	22510
Prepare Information Disclosure Statement				
12/15/2003	[REDACTED]	Y	B	22510
Prepare Information Disclosure Statement				
12/15/2003	[REDACTED]	Y	B	22510
Prepare Information Disclosure Statement				
12/15/2003	[REDACTED]	Y	B	22510
Prepare Information Disclosure Statement				
12/15/2003	[REDACTED]	Y	B	22510
Prepare Information Disclosure Statement				
12/15/2003	[REDACTED]	Y	B	22510
Prepare Information Disclosure Statement				
12/15/2003	[REDACTED]	Y	B	22510
Prepare Information Disclosure Statement				
12/15/2003	[REDACTED]	Y	B	22510
Prepare Information Disclosure Statement				
12/15/2003	[REDACTED]	Y	B	22510
Research for [REDACTED] regarding maintenance fee and inequitable conduct issue				
12/15/2003	[REDACTED]	Y	B	22510
File Office Action				
12/15/2003	[REDACTED]	Y	B	22510
Review client letter regarding response to Office Action				
Billable Total				
Non Billable Total				
Daily Total				
Date : 12/16/2003				
12/16/2003	[REDACTED]	N	NB	22510
[REDACTED]				
[REDACTED]				

12/16/2003	[REDACTED]	Y	B	22510
[REDACTED] Review file history of [REDACTED] patent; check for any certificate of correction and maintenance fee payment date regarding same				
12/16/2003	[REDACTED]	Y	BNP	22510
[REDACTED] Prepare Information Disclosure Statement				
12/16/2003	[REDACTED]	Y	B	22510
[REDACTED] Review requirements for inventor declaration/assignment regarding date and inventor's address				
12/16/2003	[REDACTED]	Y	B	22510
[REDACTED] Review requirements for inventor declaration/assignment regarding date and inventor's address				
12/16/2003	[REDACTED]	Y	B	22510
[REDACTED] Review client letter regarding response to Office Action				
12/16/2003	[REDACTED]	Y	B	22510
[REDACTED] Prepare Information Disclosure Statement				
12/16/2003	[REDACTED]	Y	B	22510
[REDACTED] Prepare Information Disclosure Statement				
12/16/2003	[REDACTED]	Y	B	22510
[REDACTED] Prepare Information Disclosure Statement				
12/16/2003	[REDACTED]	Y	B	22510
[REDACTED] Prepare Information Disclosure Statement				
12/16/2003	[REDACTED]	Y	B	22510
[REDACTED] Prepare Information Disclosure Statement				
12/16/2003	[REDACTED]	Y	B	22510
[REDACTED] Prepare Information Disclosure Statement				
12/16/2003	[REDACTED]	Y	B	22510
[REDACTED] Prepare Information Disclosure Statement				
12/16/2003	[REDACTED]	Y	B	22510
[REDACTED] Prepare Information Disclosure Statement				
Billable Total				[REDACTED]
Non Billable Total				[REDACTED]
Daily Total				[REDACTED]
Date : 12/17/2003				
12/17/2003	[REDACTED]	N	NB	22510

12/17/2003 [REDACTED] Y B 22510

Verify Information Disclosure Statement references [REDACTED]; meet with [REDACTED] regarding declaration/assignment requirements (0.1); contact inventor regarding deficient declaration and compose email regarding same [REDACTED]

12/17/2003 [REDACTED] Y B 22510

Verify Information Disclosure Statement references [REDACTED]; meet with [REDACTED] regarding declaration/assignment requirements [REDACTED]; contact inventor regarding deficient declaration and compose email regarding same [REDACTED]

12/17/2003 [REDACTED] Y B 22510

Prepare Information Disclosure Statement

12/17/2003 [REDACTED] Y B 22510

Prepare Information Disclosure Statement

12/17/2003 [REDACTED] Y B 22510

Prepare Information Disclosure Statement

12/17/2003 [REDACTED] Y B 22510

Prepare Information Disclosure Statement

12/17/2003 [REDACTED] Y B 22510

Prepare Information Disclosure Statement

12/17/2003 [REDACTED] Y B 22510

Prepare Information Disclosure Statement

12/17/2003 [REDACTED] Y B 22510

Prepare Information Disclosure Statement

12/17/2003 [REDACTED] Y B 22510

Contact [REDACTED] regarding [REDACTED] corporate structure, review and provide research results to [REDACTED]  
review file history of [REDACTED] patent [REDACTED]

Billable Total [REDACTED]

Non Billable Total [REDACTED]

Daily Total [REDACTED]

Date : 12/18/2003

12/18/2003 [REDACTED] N NB 22510

12/18/2003	[REDACTED]	[REDACTED]	Y	B	22510
Convert patent file history to pdf; outline claim limitations contained in file history; meet with [REDACTED] and discuss same					
12/18/2003	[REDACTED]	[REDACTED]	Y	B	22510
Assemble declarations and arrange for overnight delivery to [REDACTED]; respond to [REDACTED] email regarding same; draft/review letter to inventors regarding execution of Declaration					
12/18/2003	[REDACTED]	[REDACTED]	Y	B	22510
Meet with [REDACTED] regarding email to client; review caselaw pertaining to inequitable conduct as it pertains to maintenance fee payment; review websites provided in client email of 12/11/03					
12/18/2003	[REDACTED]	[REDACTED]	Y	B	22510
Assemble declarations and arrange for overnight delivery to [REDACTED]; respond to [REDACTED] email regarding same; draft/review letter to inventors regarding execution of Declaration					
Billable Total					
Non Billable Total					
Daily Total					
Date : 12/19/2003					
12/19/2003	[REDACTED]	[REDACTED]	N	NB	22510
[REDACTED]					
12/19/2003	[REDACTED]	[REDACTED]	Y	B	22510
Review first draft of [REDACTED] client email regarding music subscription service; review custom CD services available on web; review final draft of email to client					
12/19/2003	[REDACTED]	[REDACTED]	Y	B	22510
File Office Action					
12/19/2003	[REDACTED]	[REDACTED]	Y	B	22510
Prepare status inquiry letter for [REDACTED]					
12/19/2003	[REDACTED]	[REDACTED]	Y	BNP	22510
Prepare Information Disclosure Statement					
Billable Total					
Non Billable Total					
Daily Total					
Date : 12/22/2003					
12/22/2003	[REDACTED]	[REDACTED]	N	NB	22663
[REDACTED]					
12/22/2003	[REDACTED]	[REDACTED]	Y	B	22663
Check timing of maintenance fee payment for [REDACTED] patent per [REDACTED] email of 12/21/2003; read [REDACTED] patent and compare to client's proposed custom CD service; [REDACTED] met with [REDACTED] regarding same					
12/22/2003	[REDACTED]	[REDACTED]	Y	B	22663



Prepare Status Inquiry letter for [REDACTED] file same

12/22/2003 [REDACTED] Y B 22663

Review client letter regarding Office Action filing

12/22/2003 [REDACTED] N NB 22663

12/22/2003 [REDACTED] Y B 22663

Changes to Office Action per comments of [REDACTED]

Billable Total [REDACTED]

Non Billable Total [REDACTED]

Daily Total [REDACTED]

Date : 12/23/2003

12/23/2003 [REDACTED] N NB 22663

12/23/2003 [REDACTED] Y B 22663

Order file history and Certificate of Correction for [REDACTED] patent [REDACTED]; meet with [REDACTED] regarding same [REDACTED]; prepare list of possible issues to address for meeting with client [REDACTED]; attend phone meeting with [REDACTED] and client to discuss potential infringement issues and how to avoid; review/transcribe notes of same [REDACTED]

12/23/2003 [REDACTED] Y B 22663

Prepare Information Disclosure Statement; recheck references; file same

Billable Total [REDACTED]

Non Billable Total [REDACTED]

Daily Total [REDACTED]

Date : 12/24/2003

12/24/2003 [REDACTED] N NB 22663

12/24/2003 [REDACTED] N NB 22663

Billable Total [REDACTED]

Non Billable Total [REDACTED]

Daily Total [REDACTED]

Date : 12/28/2003

12/25/2003 [REDACTED] N NB 22663

Billable Total [REDACTED]

Non Billable Total [REDACTED]

Daily Total [REDACTED]

Date : 12/26/2003

12/26/2003 [REDACTED] N NB 22663

Billable Total [REDACTED]

Non Billable Total

Daily Total

Date : 12/29/2003

12/29/2003 [REDACTED] N NB 22800

12/29/2003 [REDACTED] Y B 22800

Receive corrected declaration from inventors; review missing parts forms and file same with the Patent and Trademark Office

12/29/2003 [REDACTED] Y B 22800

Receive corrected declaration from inventors; review missing parts forms and file same with the Patent and Trademark Office

12/29/2003 [REDACTED] Y B 22800

Meet with [REDACTED] regarding final Office Action response; reporting letter to client regarding same

12/29/2003 [REDACTED] Y B 22800

Review and send status inquiry client letter

12/29/2003 [REDACTED] Y B 22800

Draft client letter regarding Office Action

12/29/2003 [REDACTED] N NB 22800

Research issue regarding potential patent assignment matter

Billable Total

Non Billable Total

Daily Total

Date : 12/30/2003

12/30/2003 [REDACTED] N NB 22800

12/30/2003 [REDACTED] Y B 22800

Draft client letter regarding Office Action

12/30/2003 [REDACTED] N NB 22800

Research issue regarding potential patent assignment matter

12/30/2003 [REDACTED] Y B 22800

Review file history of [REDACTED] patent relating to custom CD manufacturing

Billable Total

Non Billable Total

Daily Total

Date : 12/31/2003

12/31/2003 [REDACTED] N NB 22800

12/31/2003 [REDACTED] Y B 22800

Draft client letter regarding Office Action

12/31/2003 [REDACTED] Y B 22800

Obtain copies of file history of [REDACTED] patent relating to custom CD manufacturing

12/31/2003 [REDACTED] Y B 22800

Obtain home address information regarding [REDACTED]

12/31/2003 [REDACTED] Y B 22800

Prepare Office Action

12/31/2003 [REDACTED] N NB 22800

Billable Total

Non Billable Total

Daily Total

Date : 1/1/2004

1/1/2004 [REDACTED] N NB 22817

Billable Total

Non Billable Total

Daily Total

Date : 1/2/2004

1/2/2004 [REDACTED] N NB 22817

1/2/2004 [REDACTED] Music Download 0231235.00110 10930495 [REDACTED] Y B 22817  
Service Patents

File history of [REDACTED] patent relating to custom CD manufacturing to word processing for .pdf scan

1/2/2004 [REDACTED] Y B 22817

Prepare Office Action response

1/2/2004 [REDACTED] N NB 22817

Billable Total

Non Billable Total

Daily Total

Date : 1/5/2004

1/5/2004 [REDACTED] N NB 23071

1/5/2004 [REDACTED] N NB 23071

1/5/2004 [REDACTED] Y B 23071

Prepare Information Disclosure Statement; prepare client letter regarding filing receipt

1/5/2004 [REDACTED] Y B 23071

Prepare Information Disclosure Statement; prepare client letter regarding filing receipt

Billable Total [REDACTED]

Non Billable Total [REDACTED]

Daily Total [REDACTED]

Date : 1/6/2004

1/6/2004 [REDACTED] N NB 23071

1/6/2004 [REDACTED] Y B 23071

File Information Disclosure Statement; client letter regarding same

1/6/2004 [REDACTED] Y B 23071

File Information Disclosure Statement; client letter regarding same

1/6/2004 [REDACTED] N NB 23071

1/6/2004 [REDACTED] N NB 23071

1/6/2004 [REDACTED] N NB 23071

1/6/2004 [REDACTED] Y B 23071

Review declaration/assignments; attend to docket

Billable Total [REDACTED]

Non Billable Total [REDACTED]

Daily Total [REDACTED]

Date : 1/7/2004

1/7/2004 [REDACTED] N NB 23071

1/7/2004 [REDACTED] Y B 23071

Review and sign audit response letter

1/7/2004 [REDACTED] Y B 23071

Reminder email to [REDACTED] regarding office action comments

1/7/2004 [REDACTED] Y B 23071

Meet with [REDACTED] regarding PCT filing for [REDACTED]

1/7/2004 [REDACTED] Y B 23071

Meet with [REDACTED] regarding changes to client letter

1/7/2004 [REDACTED] Y B 23071

Meet with [REDACTED] regarding [REDACTED] patent; telephone conference with [REDACTED]

1/7/2004 [REDACTED] N NB 23071

Billable Total [REDACTED]

Non Billable Total [REDACTED]

Daily Total [REDACTED]

Date : 1/8/2004

1/8/2004 [REDACTED] N NB 23071

1/8/2004 [REDACTED] Y B 23071

Prepare PCT specification

1/8/2004 [REDACTED] Y B 23071

Obtain results of patent research; provide [REDACTED] client reports to [REDACTED]

1/8/2004 [REDACTED] Y B 23071

Review and send client letter regarding Information Disclosure Statement

1/8/2004 [REDACTED] Y B 23071

Review and send client letter regarding Information Disclosure Statement

1/8/2004 [REDACTED] N NB 23071

1/8/2004 [REDACTED] Y B 23071

Review results of patent search regarding client's proposed service

Billable Total

Non Billable Total

Daily Total

Date : 1/9/2004

1/9/2004 N NB 23071

1/9/2004 Y B 23071

Review results of patent search regarding client's proposed service; review 4 patents relating to custom CD manufacturing

1/9/2004 N NB 23071

1/9/2004 Y B 23071

Call to PCT help desk regarding new PCT filing rules

Billable Total

Non Billable Total

Daily Total

Date : 1/12/2004

1/12/2004 N NB 23225

1/12/2004 Y B 23225

Obtain pdf copies of patents; review Dialog History provided by [redacted]; meet with [redacted] regarding same

1/12/2004 N NB 23225

1/12/2004 Y B 23225

Declaration and Assignment papers to inventor

1/12/2004 Y B 23225

Discuss office action response strategy with [redacted]

1/12/2004 Y B 23225

Obtain file history and maintenance fee information from [redacted] regarding [redacted] patent; request litigation search report regarding same

Billable Total

Non Billable Total

Daily Total

Date : 1/13/2004

1/13/2004	[REDACTED]	N	NB	23225
<hr/>				
1/13/2004	[REDACTED]	Y	B	23225
<hr/>				
Research regarding inventor of [REDACTED] patent [REDACTED]; request conflicts check regarding [REDACTED]				
1/13/2004	[REDACTED]	Y	B	23225
<hr/>				
Meet with [REDACTED] regarding withdrawal of PCT demand; research same				
1/13/2004	[REDACTED]	N	NB	23225
<hr/>				
1/13/2004	[REDACTED]	Y	B	23225
<hr/>				
Attend client telephone conference with [REDACTED] regarding [REDACTED] patents				
1/13/2004	[REDACTED]	Y	B	23225
<hr/>				
Prepare office action response				
1/13/2004	[REDACTED]	Y	B	23225
<hr/>				
Meet with [REDACTED] regarding withdrawal of PCT demand; research same				
Billable Total				[REDACTED]
Non Billable Total				[REDACTED]
Daily Total				[REDACTED]
<hr/>				
Date : 1/14/2004				
1/14/2004	[REDACTED]	N	NB	23225
<hr/>				
1/14/2004	[REDACTED]	Y	B	23225
<hr/>				
Send [REDACTED] articles to word processing for conversion to pdf				
1/14/2004	[REDACTED]	Y	B	23225
<hr/>				
Attend client meeting with [REDACTED] regarding office action response and possible new application; meet with [REDACTED] regarding same				
1/14/2004	[REDACTED]	N	NB	23225
<hr/>				
1/14/2004	[REDACTED]	Y	B	23225
<hr/>				
Draft letter to inventor regarding advisory action				
1/14/2004	[REDACTED]	Y	B	23225

Meet with [REDACTED] regarding priority date error in PCT application

1/14/2004 [REDACTED] N NB 23225

**Billable Total**

**Non Billable Total**

**Daily Total**

**Date : 1/15/2004**

1/15/2004 [REDACTED] N NB 23225

1/15/2004 [REDACTED] Y B 23225

Review audit response

1/15/2004 [REDACTED] N NB 23225

1/15/2004 [REDACTED] Y B 23225

Review file history regarding [REDACTED] patent; discuss same with [REDACTED]

1/15/2004 [REDACTED] Y B 23225

Review inventor's Declarations and Assignments

1/15/2004 [REDACTED] Y B 23225

Review patent application prior to submission to the United States Patent and Trademark Office

1/15/2004 [REDACTED] Y B 23225

Research regarding withdrawal of PCT demand

1/15/2004 [REDACTED] Y B 23225

Research regarding withdrawal of PCT demand

1/15/2004 [REDACTED] Y B 23225

Research regarding withdrawal of PCT demand

1/15/2004 [REDACTED] Y B 23225

Research requirement under PCT regulations for correction of minor errors on correspondence from ISA/IB

**Billable Total**

**Non Billable Total**

**Daily Total**

**Date : 1/16/2004**

1/15/2004 [REDACTED] N NB 23225



1/16/2004 [REDACTED] Y B 23225

Prepare Information Disclosure Statement; prepare specifications for filing

1/16/2004 [REDACTED] Y B 23225

Research requirement under PCT regulations for correction of minor errors on correspondence from ISA/IB; prepare correspondence to IB regarding same

1/16/2004 [REDACTED] Y B 23225

Attend client telephone conference with [REDACTED] regarding [REDACTED] patent

Billable Total

Non Billable Total

Daily Total

Date : 1/19/2004

1/19/2004 [REDACTED] N NB 23427

1/19/2004 [REDACTED] N NB 23427

1/19/2004 [REDACTED] Y B 23427

Respond to Office Action

Billable Total

Non Billable Total

Daily Total

Date : 1/20/2004

1/20/2004 [REDACTED] N NB 23427

1/20/2004 [REDACTED] Y B 23427

Draft letter to foreign associate regarding advice on issues of foreign patent law

1/20/2004 [REDACTED] Y B 23427

Draft letter to foreign associate regarding advice on issues of foreign patent law

1/20/2004 [REDACTED] Y B 23427

Obtain [REDACTED] patent, review same, meet with [REDACTED] to discuss same, research claim issues

1/20/2004 [REDACTED] N NB 23427

1/20/2004 [REDACTED] Y B 23427

File patent application

1/20/2004 [REDACTED] Y B 23427

Email to [REDACTED] regarding receipt of application status from United States Patent and Trademark Office

Billable Total [REDACTED]

Non Billable Total [REDACTED]

Daily Total [REDACTED]

Date : 1/21/2004

1/21/2004 [REDACTED] N NB 23427

1/21/2004 [REDACTED] Y B 23427

Letter to client regarding filing of patent application

1/21/2004 [REDACTED] N NB 23427

1/21/2004 [REDACTED] Y B 23427

Review final draft of Office Action; edit same

1/21/2004 [REDACTED] Y B 23427

Research regarding [REDACTED] patent claims; notes to [REDACTED] regarding same

1/21/2004 [REDACTED] Y B 23427

Meet with [REDACTED] regarding Office Action response

1/21/2004 [REDACTED] N NB 23427

Billable Total [REDACTED]

Non Billable Total [REDACTED]

Daily Total [REDACTED]

Date : 1/22/2004

1/22/2004 [REDACTED] N NB 23427

1/22/2004 [REDACTED] Y B 23427

Review patents and articles regarding CD manufacturing processes of [REDACTED] patent [REDACTED]

1/22/2004 [REDACTED] N NB 23427

1/22/2004	[REDACTED]	Y	B	23427
Respond to Office Action				
1/22/2004	[REDACTED]	Y	B	23427
Review client letter regarding Office Action				
Billable Total		[REDACTED]		
Non Billable Total		[REDACTED]		
Daily Total		[REDACTED]		
Date : 1/23/2004				
1/23/2004	[REDACTED]	N	NB	23427
[REDACTED]				
1/23/2004	[REDACTED]	Y	B	23427
Respond to Office Action; compose and send proposed amendments regarding same to United States Patent and Trademark Office; schedule examiner conference				
1/23/2004	[REDACTED]	Y	B	23427
Attend client telephone conference with [REDACTED]; discuss issues raised with [REDACTED]				
Billable Total		[REDACTED]		
Non Billable Total		[REDACTED]		
Daily Total		[REDACTED]		
Date : 1/24/2004				
1/24/2004	[REDACTED]	Y	B	23427
Conduct prior art search for invalidating reference				
Billable Total		[REDACTED]		
Non Billable Total		[REDACTED]		
Daily Total		[REDACTED]		
Date : 1/26/2004				
1/26/2004	[REDACTED]	N	NB	23654
[REDACTED]				
1/26/2004	[REDACTED]	Y	B	23654
Prepare office action				
1/26/2004	[REDACTED]	Y	B	23654
Review results of patent validity search				
1/26/2004	[REDACTED]	Y	B	23654
Review patent prior to filing				
1/26/2004	[REDACTED]	Y	B	23654

Investigate patent filing per [REDACTED] email of January 26

Billable Total [REDACTED]

Non Billable Total [REDACTED]

Daily Total [REDACTED]

Date : 1/27/2004

1/27/2004

[REDACTED] N NB 23654

1/27/2004

[REDACTED] Y B 23654

Prepare office action; meet with [REDACTED] regarding same; make recommended edits

1/27/2004

[REDACTED] Y B 23654

Review results of patent validity search

Billable Total [REDACTED]

Non Billable Total [REDACTED]

Daily Total [REDACTED]

Date : 1/28/2004

1/28/2004

[REDACTED] N NB 23654

1/28/2004

[REDACTED] Y B 23654

Attend Examiner telephone conference with [REDACTED] regarding office action; preparation for same

1/28/2004

[REDACTED] Y B 23654

Review results of patent validity search; discussion with [REDACTED] regarding [REDACTED] patent; prepare invalidity analysis chart regarding [REDACTED] patent for [REDACTED]

1/28/2004

[REDACTED] Y B 23654

Letter to client regarding receipt of office action

1/28/2004

[REDACTED] 0802335.00157 11034767 [REDACTED]

[REDACTED] Y B 23783

Prepare patent application

Billable Total [REDACTED]

Non Billable Total [REDACTED]

Daily Total [REDACTED]

Date : 1/29/2004

1/29/2004

[REDACTED] N NB 23654

1/29/2004

[REDACTED] Y B 23654

Prepare invalidity analysis chart for [REDACTED] regarding [REDACTED] patent

1/29/2004

Y B 23783

Prepare patent application

Billable Total

Non Billable Total

Daily Total

Date : 1/30/2004

1/30/2004

N NB 23654

1/30/2004

Y B 23654

Review prosecution history regarding 6-day discrepancy in patent term adjustment; research Patent and Trademark Office rules regarding same; call Patent and Trademark Office and leave message regarding same

1/30/2004

Y B 23654

Prepare invalidity analysis chart for [REDACTED] regarding [REDACTED] patent; attend telephone conference call with client regarding custom of patent issues

1/30/2004

Y B 23654

Letter to client regarding Informal filing receipt

Billable Total

Non Billable Total

Daily Total

Final Billable Total

Final NB Total

Final Total

**DECLARATION OF DANIEL R. MILLER**  
**UNDER 37 C.F.R. § 1.131**

**Exhibit B**

Redacted copy of September 25, 2003 email chain between Mr. Wright and Mr. Miller setting time for telephone meeting.

**Miller, Daniel**

---

**From:** Miller, Daniel  
**Sent:** Thursday, September 25, 2003 4:06 PM  
**To:** 'Wright, Darrick'  
**Subject:** RE: BellSouth Disclosure [REDACTED] (Cell Phone With Built In Weather Alert Radio)

Mr. Wright -

Monday at 1:00pm central sounds good. Jonathan and I will give you a call then. Thanks.

Dan Miller

-----Original Message-----

**From:** Wright, Darrick [REDACTED]  
**Sent:** Thursday, September 25, 2003 4:00 PM  
**To:** Miller, Daniel  
**Subject:** RE: BellSouth Disclosure [REDACTED] (Cell Phone With Built In Weather Alert Radio)

Mr. Miller

I suggest that the conference call be on Monday around 1:00pm central time. Although any day next week except Wednesday would be fine. My contact number [REDACTED] Please let me know what you think. Thanks

Darrick Wright

-----Original Message-----

**From:** Miller, Daniel [REDACTED]  
**Sent:** Thursday, September 25, 2003 8:21 AM  
**To:** Wright, Darrick  
**Cc:** Parks, Jonathan  
**Subject:** BellSouth Disclosure [REDACTED] (Cell Phone With Built In Weather Alert Radio)

Mr. Wright -

Jonathan Parks and I would like to schedule a phone conference for next week to resolve several questions we have pertaining to BellSouth Disclosure [REDACTED] (Cell Phone With Built In Weather Alert Radio). Please call or email Jonathan or myself at your earliest convenience to schedule a meeting time. Thank you.

Best Regards,

Dan Miller

Kirkpatrick & Lockhart LLP  
Henry W. Oliver Building  
535 Smithfield Street

[REDACTED]

Pittsburgh, PA 15222  
(412)355-6773  
F(412)355-6501

**This electronic message contains information from the law firm of Kirkpatrick & Lockhart LLP that may be privileged and confidential. The information is intended for the use of the addressee(s) only. If you are not an addressee, note that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this e-mail in error, please contact me at [daniel.miller@kl.com](mailto:daniel.miller@kl.com) or 412-355-6773.**

\*\*\*\*\*

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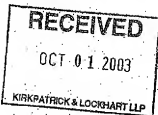


**DECLARATION OF DANIEL R. MILLER**  
**UNDER 37 C.F.R. § 1.131**

**Exhibit C**

Redacted copy of October 1, 2003 fax sent from Mr. Rivers to Mr. Miller.

10/01/03 07:31



600 N 19<sup>th</sup> Street  
[REDACTED]  
October 1, 2003

Attention: Dan Miller

Please attach [REDACTED]

Thank you for your attention to this matter.

FAX page one of four.

Thank you,

Paul Brent Rivers

**DECLARATION OF DANIEL R. MILLER**  
**UNDER 37 C.F.R. § 1.131**

**Exhibit D**

Redacted copy of email chain from Mr. Miller sent to Mr. Wright on December 1, 2003 containing first draft of the patent application, and showing his approval on December 3, 2003.

**Miller, Daniel**

---

**From:** Wright, Darrick [REDACTED]  
**Sent:** Wednesday, December 03, 2003 9:54 AM  
**To:** 'Miller, Daniel'  
**Subject:** RE: BellSouth File # [REDACTED] Cell Phone with Built In Weather Alert Radio

Daniel,

I have reviewed the draft and figures and everything looks good.

Darrick Wright

-----Original Message-----

**From:** Miller, Daniel [mailto:daniel.miller@kd.com]  
**Sent:** Monday, December 01, 2003 4:06 PM  
**To:** Wright, Darrick  
**Cc:** Rivers, Paul; Smith, Kimberly A  
**Subject:** BellSouth File # 030359, Cell Phone with Built In Weather Alert Radio

December 1, 2003

VIA E-MAIL

**FIRST DRAFT**

Mr. Darrick Wright  
BST / Interconnect CWINS

**Disclosure Title:** CELL PHONE WITH BUILT IN WEATHER ALERT RADIO  
**Inventors:** Darrick Wright, Paul B. Rivers  
**Jurisdiction:** United States  
**BellSouth File:** [REDACTED] **Our File:** [REDACTED]

**Action Required: Please review the first draft application by December 22, 2003 and provide comments. Detailed instructions for your review of the draft are provided below.**

Dear Mr. Wright:

Enclosed is a first draft of a patent application directed to the above-identified invention for your review. The draft is based in part on our discussions of [REDACTED]

12/03/2003

This is a draft, so feel free to make additions, deletions, substitutions, and the like. Please provide your consolidated comments by December 22, 2003.

As you know, it is essential that the patent application, as filed, be technically accurate and complete; and that it set forth the best mode of carrying out the invention, because new matter may not be added to the descriptive portion after filing. The patent application's description must also be sufficient to enable a person of ordinary skill in the technical art to make and use the invention. We therefore ask that you carefully review the draft for technical accuracy and completeness, and advise us of any suggested changes or corrections. Your changes and suggestions will be carefully considered in the preparation of the final draft. **Action Required: Please review draft for technical accuracy and completeness as described above.**

We also request that you review the claims of the application. The claims are the numbered paragraphs at the end of the application that define the scope of protection that is being sought for the invention. **Action Required: Please review the claims and confirm that the claims properly define the invention.**

When you review the claims, please confirm that the proper inventors have been identified for the claimed invention(s). As you may be aware, inventorship is determined by the subject matter of the claimed invention. Generally stated, to be an inventor one must have made an actual contribution to the conception of the operative invention that is claimed. There may be joint inventorship even though the joint inventors (a) did not work physically together or at the same time, (b) did not make an equal contribution, or (c) did not make a contribution to the subject matter of every claim of the patent. A worker who merely carries out the instructions of another or only provides implementing devices to carry out another's ideas where the effort to do so is the exercise of one of ordinary skill is not typically an inventor. Further, persons listed as contributing to an article describing or related to the invention are not necessarily inventors. Please feel free to call with any questions that you may have on this issue. **Action Required: Please confirm that the proper inventors have been named.**

We would also like to point out that an inventor is required to make a Declaration when the Inventors application is filed in the U.S. Patent and Trademark Office (USPTO), acknowledging a duty to disclose information of which the inventor is aware and which may be considered to be material to the examination of the application. "Material" in this respect is defined as information that a reasonable examiner would likely consider important in deciding whether to issue a patent. "Material" information as defined above may possibly include devices, products, publications, etc. that are similar to the invention and were publicly known before the invention, and it may also include any public disclosure, commercial use, or offer of sale of the invention more than one year prior to the filing date of the application.

If you are aware of any information that you believe might be considered "material", it is important that it be brought to our attention as soon as possible. Late submission of material information requires payment of a fee. Accordingly, we request that you provide us with any material references of which you are aware as soon as conveniently possible. We can then make a determination whether the information should be brought to the attention of the Patent and Trademark Office under the applicable rules. Please also be aware that the duty to disclose "material" information continues throughout pendency of the application, until the application issues as a patent.

You should also be aware that certain activities either in the United States or foreign countries prior to filing of the application in the United States may have a bearing on the ability to file corresponding applications in foreign countries under the applicable international treaty. These activities could include public disclosure of the invention in either written or oral form, such as published articles, patents, product announcements, and proposals, as well as through commercial exploitation of the invention, including public demonstrations, offers to sell, and sale of products incorporating the invention. If you would like to preserve your right to file

corresponding foreign applications on this invention; we recommend that all such activities be avoided until the U.S. application is on file. **Action Required: To preserve foreign patent filing rights, please avoid public disclosure of the invention in either written or oral form, and commercial exploitation of the invention, including public demonstrations, offers to sell, and sale of products incorporating the invention until the U.S. patent application has been filed.**

Once you have had an opportunity to review the draft application, please provide me with your comments. As always, please feel free to call us with any questions that you may have.

Sincerely,

/s/ Daniel R. Miller

DRM:pc  
Enclosure



\*\*\*\*\*

*"The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential, proprietary, and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from all computers.61"*

**DECLARATION OF DANIEL R. MILLER**  
**UNDER 37 C.F.R. § 1.131**

**Exhibit E**

Redacted copy of email chain from Mr. Miller sent to Mr. Rivers on December 1, 2003 containing first draft of the patent application, and showing his approval on December 3, 2003.

Miller, Daniel

---

**From:** Rivers, Paul [REDACTED]  
**Sent:** Wednesday, December 03, 2003 9:06 AM  
**To:** 'daniel.miller@kl.com'  
**Cc:** Wright, Darrick  
**Subject:** RE: BellSouth File [REDACTED] Cell Phone with Built In Weather Alert Radio

Daniel,

I have reviewed the draft and figures and everything looks great.

Paul Rivers

-----Original Message-----

**From:** Wright, Darrick  
**Sent:** Tuesday, December 02, 2003 7:05 AM  
**To:** Rivers, Paul  
**Subject:** FW: BellSouth File [REDACTED] Cell Phone with Built In Weather Alert Radio

-----Original Message-----

**From:** Miller, Daniel [mailto:daniel.miller@kl.com]  
**Sent:** Monday, December 01, 2003 4:06 PM  
**To:** Wright, Darrick  
**Cc:** Rivers, Paul; Smith, Kimberly A  
**Subject:** BellSouth File [REDACTED] Cell Phone with Built In Weather Alert Radio

December 1, 2003

VIA E-MAIL

FIRST DRAFT

Mr. Darrick Wright  
BST / Interconnect CWINS  
[REDACTED]

**Disclosure Title:** CELL PHONE WITH BUILT IN WEATHER ALERT RADIO  
**Inventors:** Darrick Wright, Paul B. Rivers  
**Jurisdiction:** United States  
**BellSouth File:** [REDACTED] **Our File:** [REDACTED]

12/03/2003



**Action Required: Please review the first draft application by December 22, 2003 and provide comments. Detailed instructions for your review of the draft are provided below.**

Dear Mr. Wright:

Enclosed is a first draft of a patent application directed to the above-identified invention for your review. The draft is based in part on our discussions of [REDACTED]. This is a draft, so feel free to make additions, deletions, substitutions, and the like. Please provide your consolidated comments to [REDACTED].

As you know, it is essential that the patent application, as filed, be technically accurate and complete; and that it set forth the best mode of carrying out the invention, because new matter may not be added to the descriptive portion after filing. The patent application's description must also be sufficient to enable a person of ordinary skill in the technical art to make and use the invention. We therefore ask that you carefully review the draft for technical accuracy and completeness, and advise us of any suggested changes or corrections. Your changes and suggestions will be carefully considered in the preparation of the final draft. **Action Required: Please review draft for technical accuracy and completeness as described above.**

We also request that you review the claims of the application. The claims are the numbered paragraphs at the end of the application that define the scope of protection that is being sought for the invention. **Action Required: Please review the claims and confirm that the claims properly define the invention.**

When you review the claims, please confirm that the proper inventors have been identified for the claimed invention(s). As you may be aware, inventorship is determined by the subject matter of the claimed invention. Generally stated, to be an inventor one must have made an actual contribution to the conception of the operative invention that is claimed. There may be joint inventorship even though the joint inventors (a) did not work physically together or at the same time, (b) did not make an equal contribution, or (c) did not make a contribution to the subject matter of every claim of the patent. A worker who merely carries out the instructions of another or only provides implementing devices to carry out another's ideas where the effort to do so is the exercise of one of ordinary skill is not typically an inventor. Further, persons listed as contributing to an article describing or related to the invention are not necessarily inventors. Please feel free to call with any questions that you may have on this issue. **Action Required: Please confirm that the proper inventors have been named.**

We would also like to point out that an inventor is required to make a Declaration when the inventor's application is filed in the U.S. Patent and Trademark Office (USPTO), acknowledging a duty to disclose information of which the inventor is aware and which may be considered to be material to the examination of the application. "Material" in this respect is defined as information that a reasonable examiner would likely consider important in deciding whether to issue a patent. "Material" information as defined above may possibly include devices, products, publications, etc. that are similar to the invention and were publicly known before the invention, and it may also include any public disclosure, commercial use, or offer of sale of the invention more than one year prior to the filing date of the application.

If you are aware of any information that you believe might be considered "material", it is important that it be brought to our attention as soon as possible. Late submission of material information requires payment of a fee. Accordingly, we request that you provide us with any material references of which you are aware as soon as conveniently possible. We can then make a determination whether the information should be brought to the attention of the Patent and Trademark Office under the applicable rules. Please also be aware that the duty to disclose "material" information continues throughout pendency of the application, until the

application issues as a patent.

You should also be aware that certain activities either in the United States or foreign countries prior to filing of the application in the United States may have a bearing on the ability to file corresponding applications in foreign countries under the applicable international treaty. These activities could include public disclosure of the invention in either written or oral form, such as published articles, patents, product announcements, and proposals, as well as through commercial exploitation of the invention, including public demonstrations, offers to sell, and sale of products incorporating the invention. If you would like to preserve your right to file corresponding foreign applications on this invention, we recommend that all such activities be avoided until the U.S. application is on file. **Action Required: To preserve foreign patent filing rights, please avoid public disclosure of the invention in either written or oral form, and commercial exploitation of the invention, including public demonstrations, offers to sell, and sale of products incorporating the invention until the U.S. patent application has been filed.**

Once you have had an opportunity to review the draft application, please provide me with your comments. As always, please feel free to call us with any questions that you may have.

Sincerely,

/s/ Daniel R. Miller

DRM:pc  
Enclosure



\*\*\*\*\*

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12/03/2003

**DECLARATION OF DANIEL R. MILLER**  
**UNDER 37 C.F.R. § 1.131**

**Exhibit F**

Redacted copy of December 31, 2003 email from Mr. Miller requesting residence and citizenship information.

Miller, Daniel

---

**From:** Wright, Darrick [REDACTED]  
**Sent:** Wednesday, December 31, 2003 11:50 AM  
**To:** Miller, Daniel  
**Subject:** RE: BellSouth File [REDACTED] Cell Phone with Built In Weather Alert Radio

Mr. Miller,  
Yes. My country of citizenship is The United states. Thanks  
Darrick Wright

-----Original Message-----

**From:** Miller, Daniel [mailto:[REDACTED]]  
**Sent:** Wednesday, December 31, 2003 10:36 AM  
**To:** Wright, Darrick  
**Subject:** RE: BellSouth File [REDACTED] Cell Phone with Built In Weather Alert Radio

Thanks. One more question - is your country of citizenship the United States?

Dan

-----Original Message-----

**From:** Wright, Darrick [REDACTED]  
**Sent:** Wednesday, December 31, 2003 10:57 AM  
**To:** Miller, Daniel  
**Subject:** RE: BellSouth File [REDACTED] Cell Phone with Built In Weather Alert Radio

Mr. Miller,  
My home Address is as Follows:

[REDACTED] USA

If you need any further information let me know. Thanks

Darrick Wright

-----Original Message-----

**From:** Miller, Daniel [REDACTED]  
**Sent:** Wednesday, December 31, 2003 8:49 AM  
**To:** Wright, Darrick  
**Subject:** BellSouth File [REDACTED] Cell Phone with Built In Weather Alert Radio

Darrick -

After looking through our records, I was unable to locate information relating to your home address and country of citizenship. This information is necessary for the preparation of application filing papers. If you can forward this information to me, I'll proceed with the preparation of the filing papers. Thanks.

Dan Miller

Daniel R. Miller  
Kirkpatrick & Lockhart LLP

12/31/2003

Henry W. Oliver Building  
535 Smithfield Street  
Pittsburgh, PA 15222  
(412)355-6773  
F(412)355-6501

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\*\*\*\*\*

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**DECLARATION OF DANIEL R. MILLER**  
**UNDER 37 C.F.R. § 1.131**

**Exhibit G**

Redacted copy of January 13, 2004 letters to inventors sent by Federal Express which accompanied originals of final draft for execution.

# Kirkpatrick & Lockhart LLP

Henry W. Oliver Building  
535 Smithfield Street  
Pittsburgh, PA 15222-2312  
412.355.6500  
www.kl.com

January 13, 2004

## VIA FEDERAL EXPRESS

Daniel R. Miller  
412.355.6773  
Fax: 412.355.6901  
Daniel.miller@kl.com

Mr. Darrick Wright  
BST / Interconnect CWINS  
[REDACTED]  
[REDACTED]  
[REDACTED]

Disclosure Title:	WIRELESS DEVICE WITH INTEGRATED EMERGENCY ALERT NOTIFICATION
Inventors:	Darrick Wright, Paul B. Rivers
Jurisdiction:	United States
BellSouth File:	[REDACTED] Our File: [REDACTED]

**ACTION REQUIRED:** Please review the enclosed patent application and if the application is complete and accurate, then execute and return the enclosed Declaration and Assignment by January 27, 2004.

Dear Darrick:

Thank you for your comments regarding the above-referenced patent application. Enclosed for your review is a final draft of the application that we plan to file in the United States Patent and Trademark Office ("PTO"). Also enclosed for execution are: (1) a Declaration; and (2) an Assignment. Please note that the Assignment should be signed in the presence of a Notary Public. If, in reviewing the final draft, you feel that further revisions are necessary, please contact me before executing the Declaration and Assignment so that I can prepare and forward a revised final draft.

If the application is acceptable, the Declaration at the end of the application must be dated and signed so that the typed name and signature are exactly the same. The Assignment must be dated and signed. We recommend that the Assignment be dated and signed in the presence of a Notary Public. The Assignment transfers ownership of the patent application from the inventor to the company. The inventors are not required to jointly sign a single declaration or assignment. Each inventor may execute the documents separately. **Action Required: Sign Declaration; Sign and Notarize Assignment Document.**

Kirkpatrick & Lockhart LLP

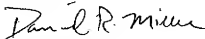
Mr. Darick Wright  
January 13, 2004  
Page 2

So that you might prepare for the next step in the patent application process, you should be aware that the law imposes a continuing duty on the inventor, the patent attorney, any assignee company, and anyone else who is substantially involved in the preparation or prosecution of the patent application. The duty is one of candor and good faith to disclose to the U.S. Patent and Trademark Office all information of which these people are aware which is material to the examination of the patent application. If the duty is not properly fulfilled, any patent issuing from the application may be found invalid.

We ask that you gather together and forward to us all documents, articles, videos, brochures, advertisements, etc. about devices, whether or not they were sold commercially, which were used or described in public by you or others, which have some reasonable similarity to your invention. **Action Required: Submit all relevant documents and articles for potential submission to the PTO.**

Please return the executed papers to us in the enclosed Federal Express envelope. If the application should be revised in any way, or if you have any questions regarding this matter, please contact us.

Sincerely,



Daniel R. Miller

DRM:pc  
Enclosures





# Kirkpatrick & Lockhart LLP

Henry W. Oliver Building  
535 Smithfield Street  
Pittsburgh, PA 15222-2312  
412.355.6500  
www.kl.com

January 13, 2004

## VIA FEDERAL EXPRESS

Daniel R. Miller  
412.355.6773  
Fax: 412.355.6501  
Daniel.miller@kl.com

Mr. Paul B. Rivers  
BST / Interconnect CWINS  
[REDACTED]  
[REDACTED]

Disclosure Title:	WIRELESS DEVICE WITH INTEGRATED EMERGENCY ALERT NOTIFICATION
Inventors:	Darrick Wright, Paul B. Rivers
Jurisdiction:	United States
BellSouth File:	[REDACTED] Our File: [REDACTED]

**ACTION REQUIRED:** Please review the enclosed patent application and if the application is complete and accurate, then execute and return the enclosed Declaration and Assignment by January 27, 2004.

Dear Paul:

Thank you for your comments regarding the above-referenced patent application. Enclosed for your review is a final draft of the application that we plan to file in the United States Patent and Trademark Office ("PTO"). Also enclosed for execution are: (1) a Declaration; and (2) an Assignment. Please note that the Assignment should be signed in the presence of a Notary Public. If, in reviewing the final draft, you feel that further revisions are necessary, please contact me before executing the Declaration and Assignment so that I can prepare and forward a revised final draft.

If the application is acceptable, the Declaration at the end of the application must be dated and signed so that the typed name and signature are exactly the same. The Assignment must be dated and signed. We recommend that the Assignment be dated and signed in the presence of a Notary Public. The Assignment transfers ownership of the patent application from the inventor to the company. The inventors are not required to jointly sign a single declaration or assignment. Each inventor may execute the documents separately. **Action Required: Sign Declaration; Sign and Notarize Assignment Document.**

Kirkpatrick & Lockhart LLP

Mr. Paul B. Rivers

January 13, 2004

Page 2

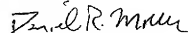
So that you might prepare for the next step in the patent application process, you should be aware that the law imposes a continuing duty on the inventor, the patent attorney, any assignee company, and anyone else who is substantially involved in the preparation or prosecution of the patent application. The duty is one of candor and good faith to disclose to the U.S. Patent and Trademark Office all information of which these people are aware which is material to the examination of the patent application. If the duty is not properly fulfilled, any patent issuing from the application may be found invalid.

We ask that you gather together and forward to us all documents, articles, videos, brochures, advertisements, etc. about devices, whether or not they were sold commercially, which were used or described in public by you or others, which have some reasonable similarity to your invention.

**Action Required:** Submit all relevant documents and articles for potential submission to the PTO.

Please return the executed papers to us in the enclosed Federal Express envelope. If the application should be revised in any way, or if you have any questions regarding this matter, please contact us.

Sincerely,



Daniel R. Miller

DRM:pc

Enclosures



**DECLARATION OF DANIEL R. MILLER**  
**UNDER 37 C.F.R. § 1.131**

**Exhibit H**

Copy of transmittal document to USPTO dated January 20, 2003 and receipt.

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>  <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>	Attorney Docket No.	030686
	First Inventor	D. Wright
	Title	WIRELESS DEVICE WITH ..
	Express Mail Label No.	EU150829172US

<b>APPLICATION ELEMENTS</b> <i>See MPEP chapter 600 concerning utility patent application contents.</i>	<b>ADDRESS TO:</b> Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450
--	---

1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) <i>(Submit an original and a duplicate for fee processing)</i> 2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. <span style="float: right;">23</span> 3. <input checked="" type="checkbox"/> Specification <span style="float: right;">[Total Pages 1]</span> <i>(preferred arrangement set forth below)</i> - Descriptive title of the invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure 4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) <span style="float: right;">[Total Sheets 3]</span> 5. Oath or Declaration <span style="float: right;">[Total Sheets 3]</span> a. <input checked="" type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.83(d)) <i>(for continuation/divisional with Box 16 completed)</i> c. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.83(e)(2) and 1.536b. 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) 8. Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i> a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> Paper c. <input type="checkbox"/> Statements verifying identity of above copies <b>ACCOMPANYING APPLICATION PARTS</b> 9. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & document(s)) 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney 11. <input type="checkbox"/> English Translation Document <i>(if applicable)</i> 12. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations 13. <input type="checkbox"/> Preliminary Amendment 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i> 15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i> 16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. 17. <input type="checkbox"/> Other: .....
--	--

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. ....

Prior application Information: Examiner: ..... Art Unit: .....  
 For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 6b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.


#### 19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number:	26285	OR <input type="checkbox"/> Correspondence address below
Name		
Address		
City	State	Zip Code
Country	Telephone	Fax
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Signature	Date	Jan 20, 2004

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S.N. Docket No. 030686  
Title: Wireless Device...

The PTO acknowledges, and has stamped hereon,  
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- ☒ New Int. Appl. Tran.  
☒ Utility, Design, CPA, PROV.)  
☒ Fee Transmittal (2x)  
☒ Transmittal Letter  
☒ PCT Request and fee calc. sheet  
☒ PCT Chapter 2 Demand  
☒ Specification  
☒ 3 sheets of informal drawings  
☒ sheets of formal drawings  
☒ Maint. Fee Transmittal  
☒ Oath/App. of Agent  
☒ Assignment 2 sets + App Form -  
☒ Amendment Transmittal (2x) 1595  
☒ Amendment  
☒ 3.73 Statement  
☒ Terminal Disclaimer  
☒ Declaration  
☒ Information Disclosure Statement  
☒ Form PTO 1400 58/08A  
☒ References  
☒ REC Transmittal 22387 U.S. PTO  
☒ Foreign Draft Check 10760944  
☒ Issue Fee  
☒ PTO Forms 85(b) (2x)  
☒ Fee Indication Sheet  012004  
☒ check

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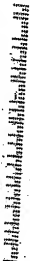
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